

STAFF REPORT & DECISION

File: SP23-06, Type II Site Design Review

Location: 117 Main St.; 38-1W-10CC Tax Lot 2300

Land Use District: City Center (C-C)

Date Notice of Application mailed: July 7, 2023

Date of Decision: September 8, 2023

I. APPLICANT

Volpert LLC
PO Box 123
Phoenix, OR 97535

II. OWNER INFORMATION

Same as above

III. PROJECT INFORMATION

The proposal is for a 1,200 square foot commercial building for Indigo Creek Outfitters. An attached front and rear patio is also proposed. Before the Almeda Drive Fire of 2020, this property was developed with a tavern and four apartment units.

A. Surrounding Land Uses:

North: City Center District (restaurant)

South: City Center District (vacant, previously restaurant)

East: City Center District (vacant, undeveloped)

West: City Center District (retail market and services)

B. Comprehensive Plan Land Use Designation: Commercial

C. Property Zoning: C-C (City Center District)

IV. COMPLIANCE WITH APPLICABLE CRITERIA

Overall, the application on review met applicable submittal criteria and PLDC development standards.

In order to approve the request, findings must be made showing consistency with all applicable criteria. The Applicant submitted a narrative addressing the standards and criteria of Chapters 2.2, 2.3, 3.1-3.9, 3.12, 4.2 and Chapter 4.3 along with a preliminary site plan. The applicant submitted a general narrative describing the project, providing findings, site plan, elevations and other preliminary documents for City consideration. PLDC approval criteria for Site Design Review in relation to Applicant's submittal are summarized in the staff report and addressed in detail in the findings that follow.



CHAPTER 2 – LAND USE DISTRICTS

Chapter 2.3 – City Center District (C-C)

2.3.1 – Purpose

A city goal is to strengthen the City Center District as the “heart” of the community and as the logical place for people to gather and create a business center. The District is intended to support this goal through elements of design and appropriate mixed-use development. This Chapter provides standards for the orderly development and improvement of the City Center District based on the following principles:

- *Efficient use of land and urban services;*
- *A mixture of land uses to encourage walking as an alternative to driving, and providing more employment and housing options;*
- *City Center District provides both formal and informal community gathering places;*
- *There are distinct storefront characteristics that identify the City Center District;*
- *The City Center District is connected to neighborhoods and other employment areas;*
- *Provide visitor accommodations and tourism amenities;*
- *Transit-oriented development reduces reliance on the automobile and reduces parking needs in the City Center District;*

2.3.2 – Permitted Land Uses

A. Permitted Uses. The land uses listed in Table 2.3.2.A are permitted in the City Center District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.3.2.A, and land uses which are approved as “similar” to those in Table 2.3.2, may be permitted. The land uses identified with a “CUP” in Table 2.3.2.A require a Conditional Use Permit approval prior to development or a change in use.

FINDING: The proposed development is located within the City Center District and creates a gathering place for patrons to make arrangements for rafting trips, stage equipment and obtain supplies. The proposed use fits within Table 2.3.2(A) under category #6(g) as Guided Rafting Trips can be considered a ‘service’ oriented use. Per the table no Conditional Use Permit will be required. **The standard is met.**

2.3.3 – Building Setbacks

A. Front Yard Setbacks.

- 1. Minimum Setback. There is no minimum front yard setback required.*
- 2. Maximum Setback. The maximum allowable front yard setback is 10 feet. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also Chapter 2.3.9 – Pedestrian and Transit Amenities, and Chapter 2.3.8 – Architectural Guidelines and Standards for related building entrance standards.)*

B. Rear Yard Setbacks.

- 1. Minimum Setback. There is no minimum rear-yard setback for structures except for alley access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.*
- 2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in “A” shall apply.*

C. Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards and the applicable fire and building codes for attached structures, fire walls, and related requirements.

FINDING: (A) The applicant proposes a 10-foot front yard setback. (B) Parallel parking is neither proposed, nor is it required for commercial alleys according to Table 3.5.2. Therefore, no rear yard setback is required. (C) As a condition of approval, the applicant shall provide a revised site plan, relocating the waste enclosure out of the future alley. **The standards are met.**

D. Buffer Setbacks. All buildings are subject to buffer requirements when commercial zoning is adjacent to residential zoning.

FINDING: No portion of the proposed project is adjacent to a residential zoning district. **The standard is not applicable.**

E. Oregon 99 Setbacks. All buildings within the Oregon 99 Setback Overlay Zone shall be set back no less than 15 feet from the Oregon 99 right-of-way line (see 2.10.2 – Setback Requirement).

FINDING: The subject property is not located within the Oregon 99 Setback Overlay Zone. **The standard is not applicable.**

2.3.5 – Open Space

A. General

- 1. Common open spaces shall be designed to accommodate a variety of activities and users ranging from active play by children to passive contemplation by adults, but shall generally be able to accommodate a variety of uses.*
- 2. They shall be pedestrian-friendly, with amenities such as benches, water fountains, landscaping, and ornamental lighting.*
- 3. Common open spaces shall be built and landscaped by the developer.*

FINDING: The applicant proposes to utilize the front 10' x 40' setback area to provide common open space; this does not meet the minimum 20' linear foot requirement of subsection C, below. The applicant acknowledges the open space building and landscaping requirement. The proposed site plan does not show the common open space or associated improvements. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised site plan showing the area reserved for common open space with dimensions that meet PLDC § 2.3.5(C) and provides a detailed drawing that includes at least 2 improvements consistent with PLDC § 2.3.5(D). As a condition of approval, prior to certificate of occupancy, the common open space must be built and landscaped in accordance with the revised site plan. **The standards are met with conditions.**

B. Open Space Location

- 1. Common open spaces shall be located within walking distance of all those living, working and shopping in the City Center district.*
- 2. Common open spaces shall be easily and safely accessed by pedestrians and bicyclists.*
- 3. For security purposes, common open spaces shall be visible from nearby residences, stores, or offices.*
- 4. Common open space shall be located within all residential and all mixed-use areas with four or more dwelling units, as well as all non-residential areas on sites exceeding one-half acre...*

FINDING: (1) The subject property is squarely centered within the City Center district making any location proposed for common open space within easy walking distance for those living/working/shopping nearby. (2) Through the application of conditions of approval, staff finds it feasible for the applicant to provide easily and safely accessible common open space for pedestrians and bicyclists. (3) The subject property is centrally located in town, staff finds it feasible for the applicant to provide common open space in a location that will be visible from nearby residences, stores and offices. (4) The proposed use is non-residential, but since the site exceeds one-half acre, it requires common open space. **The standards are met with conditions.**

C. Open Space Amount & Size

- 2. Common open spaces shall have a minimum dimension of 20 linear feet.*
- 5. Common open space in a mixed-use and non-residential development shall equal at least two percent of the development's site area.*

FINDING: (2) The applicant proposes to utilize the front 10' x 40' setback area to provide common open space. Unfortunately, the 10' width does not meet the minimum 20' linear foot requirement. However, the site plan also shows a proposed covered outdoor seating area located behind the building – this 30' x 25' area could feasibly serve to satisfy the minimum dimensional requirements of a common open space area. As a condition of approval, prior to issuance of building permits, the applicant shall submit a revised site plan showing the area reserved for common open space with dimensions that meet PLDC § 2.3.5(C) and provides a detailed drawing that includes at least 2 improvements consistent with PLDC § 2.3.5(D). (5) According to the re-development plan contained in the engineering report, approximately 11,800 square feet will be developed, 2% of that is 236 square feet; staff finds it feasible for the applicant to provide 236 square feet of common open space on site. **The standards are met with conditions.**

D. Open Space Design

1. *Common open spaces shall include at least two of the following improvements:*
 - a. *benches for seating;*
 - b. *public art such as a statue;*
 - c. *a water feature such as a fountain;*
 - d. *a children's play structure;*
 - e. *a gazebo;*
 - f. *picnic tables;*
 - g. *gardens;*
 - h. *an indoor or outdoor sports court for one or more of the following: tennis, basketball, volleyball, badminton, racquetball, and handball/paddleball*
2. *Residential developments that may house children shall provide at least one common open space with a children's play structure.*
3. *For security purposes, all common open spaces shall be adequately illuminated in accordance with Chapter 3.12 – Outdoor Lighting. Landscaping shall be designed and maintained to avoid security risks.*

FINDING: (1) The proposed site plan does not show the common open space or associated improvements. As a condition of approval, prior to issuance of building permits, a revised site plan showing the area reserved for common open space with dimensions that meet PLDC § 2.3.5(C) and provides a detailed drawing that includes at least 2 improvements consistent with PLDC § 2.3.5(D). As a condition of approval, prior to certificate of occupancy, the common open space must be built and landscaped in accordance with the revised site plan. **The standards are met with conditions.**

2.3.6 – Block Layout and Building Orientation

A. Block Layout Standard. *New land divisions and developments, which are subject to Site Design Review, shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding 200 feet, and a depth not exceeding 200 feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking.*

FINDING: The proposal is subject to Site Design review and has incorporated an alley into its design. The driveway on Main Street and alley will be facilitated through the use of a cross-access and maintenance easement that benefits Tax Lots 1800, 2400, 2500 and 2600. As a condition of approval, prior to the issuance of building permits, the applicant shall submit a copy of the recorded cross access and maintenance easement document that covers the future alley and driveway onto South Main St.

No new blocks are proposed.

Pedestrian pathways are shown connecting the street right-of-way to interior parking courts between buildings. **The standard is met with conditions.**

B. *Provide usable pedestrian space. Pedestrian space means a plaza or extra-wide pathway/sidewalk near one or more building entrances. Each development provides street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal private drives.*

FINDING: Pedestrian space is available in the front yard as proposed. The rear patio provides outdoor seating. The landscaping proposed includes planters with a mix of trees, shrubs and ground cover. The proposed space, seating and landscaping will improve the pedestrian environment. **The standard is met.**

C. *Building Orientation Standard. All new development shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:*

1. *The minimum and maximum setback standards in Chapter 2.3.3 – Building Setbacks are met;*

FINDING: The building is oriented to Main St. (1) All required building setbacks are met. **The standard is met.**

2. *Buildings have their primary entrances oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 15 feet in length is provided between the building entrance and the street right-of-way.*

FINDING: The building has its primary entrance oriented to Main Street. **The standard is met.**

3. *Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.*

FINDING: As proposed, off-street parking and driveways are not placed between the building and the street; they're locate to the side of the building which is an interior lot. **The standard is met.**

2.3.7 – Building Height

All buildings in the City Center District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character:

A. *Maximum Height. Buildings shall be no more than three stories or 35 feet in height, whichever is greater. The maximum height may be increased by 10 feet when housing is provided above the ground floor (“vertical mixed-use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.*

B. *Method of Measurement. Building height is measured as measured in accordance with the definition of “Height of Building” in Chapter 1.3 – Definitions. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features that are not for human occupancy.*

FINDING: The text on the submitted elevations is not legible. As a condition of approval, prior to the issuance of building permits, planning staff will verify the building is no more than three stories or 35 feet in height, whichever is greater. **The standard is met with conditions.**

2.3.8 – Architectural Guidelines and Standards

A. *Purpose and Applicability. The City Center architectural guideline standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This Section applies to all subject to Site Design Review.*

B. Guidelines and Standards...
1. Detailed Storefront Design...

FINDING: (1) The proposed building and entrance are located close to the street establishing a street presence and reinforcing the pedestrian nature of the building entry and adjacent food plaza. Storefront windows at the entry presents a clear sense of entrance and welcoming transparency. Street facing windows are generally regular in width and articulation. A front 'porch' at the building entrance provides weather protection. Window trim is shown on the ground floor windows. **The standard is met.**

2. *Fencing. In addition to complying with the fencing requirements in Chapter 3.3.5 – Fences and Walls, fencing in the City Center District shall meet the following standards:*
- Fencing shall be decorative wooden, PVC, or ornamental metal fencing of a single unified design that compliments the architectural character of the City Center District.*
 - Fencing along a street frontage and within 20 feet of a sidewalk or other pedestrian accessway shall not exceed three feet in height.*
 - Fencing that blocks pedestrian access to required open space, pedestrian space, or pedestrian and transit amenities is prohibited in the City Center District.*

FINDING: The site plan shows a 6-foot cedar fence near the west property corner. Design details are not provided and fence height exceeds the maximum allowed along a street. As a condition of approval, the applicant shall submit a revised site plan showing the 6' fence redrawn no closer than 20' from the front property line or reduced in height to 3'; fence design will remain consistent throughout the site. **The standard is met with conditions.**

2.3.9 – Pedestrian and Transit Amenities

- B. Guidelines and Standards.
- A plaza, courtyard, square, or extra-wide sidewalk next to the building entrance (minimum width of eight feet);*
 - Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);*
 - Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space).*
 - Public art that incorporates seating (e.g., fountain, sculpture, etc.).*
 - Transit Amenities, such as a bus shelter or pullout, shall be designed in accordance with the guidelines established in the City's Transportation Plan and the Regional Transportation Plan.*

FINDING: The site plan and elevations include provisions for weather protection and extra wide sidewalk. **The standard is met.**

CHAPTER 3 – DESIGN STANDARDS

Chapter 3.2 – Access and Circulation

3.2.2 - Vehicular Access and Circulation

- C. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a licensed traffic engineer to determine access, circulation, and other transportation requirements. (See also, Chapter 3.5.2 – Transportation Standards.)*

FINDING: A Traffic Study is not required for this application, the thresholds are addressed in § 3.5.2 findings herein below. **The standard is met.**

- D. *Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, Access and Circulation installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.*

Access to and from off-street parking areas shall not permit backing onto a public arterial or collector street.

FINDING: Page 4 of the applicant narrative indicates that two (2) access points are proposed; one north of the building, and one south of the building. Contrarily, the proposed site plan driveways shows a 6' cedar fence where one of the access points is proposed to be. There are several provisions within section 3.2.2 that conflict with a development having multiple access points, they're addressed in separate findings herein below. As a condition of approval, the applicant shall submit a revised site plan, retaining the south driveway onto South Main Street, which shall be developed to a minimum width of 10' per lane, and connecting to the cross access alley. **The standard is met with conditions.**

E. Access Options.

1. *When new vehicle access is required for development, access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are options to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under "Special Standards for Certain Uses").*

b. *Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., shared driveway). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

If it is not possible to provide access by one of the above methods, access may be provided from a public street adjacent to the development parcel. If possible, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Sections F and H, below. Owner/developer may be required to create a common access easement to allow joint use of a driveway, parking area, or other circulation as a condition of development approval...

FINDING: Page 4 of the applicant narrative indicates that two (2) access points are proposed; one north of the building, and one south of the building. Contrarily, the proposed site plan shows a 6' cedar fence where one of the access points is proposed to be. As a condition of approval, the applicant shall submit a revised site plan, retaining the south driveway onto South Main Street, which shall be developed to a minimum width of 10' per lane, and connecting to the cross access alley.

The driveway on Main Street and alley will be facilitated through the use of a cross-access and maintenance easement that benefits Tax Lots 1800, 2400, 2500 and 2600. As a condition of approval, prior to the issuance of building permits, the applicant shall submit a copy of the recorded cross access and maintenance easement document that covers the future alley and driveway onto South Main St. **The standard is met with conditions.**

4. *The following standards apply within the City Center District:*

a. *No private driveways are permitted unless all the following criteria have been met:*

i. *The City concludes that inadequate off-street, leased, shared, or public parking is available to serve the development.*

ii. *The property owner records a public access easement allowing cross access to and from adjacent properties that could potentially be served by the driveway. The easement vests with the City.*

iii. *The property owner records a joint maintenance agreement with the deed defining maintenance responsibilities of property owners that could logically be served by the common driveway.*

b. *Driveways to public parking are permitted when consistent with the City Center Plan. Important cross-references to other code sections: Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-*

way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street and the street is identified by the Comprehensive Plan, the Transportation System Plan, or the adopted Local Street Plan. (Please refer to Chapter 3.5.2 – Transportation Standards.)

FINDING: The subject property is within the City Center District and (a) the proposal includes a private driveway. A private driveway is permitted because staff finds that (i) parking is inadequate to serve the development, given that there is no on-street parking abutting this block, and the proposed use requires drivers to park their personal vehicles before engaging in a rafting trip. (ii & iii) The driveway on Main Street and alley will be facilitated through the use of a cross-access and maintenance easement that benefits Tax Lots 1800, 2400, 2500 and 2600. As a condition of approval, prior to the issuance of building permits, the applicant shall submit a copy of the recorded cross access and maintenance easement document that covers the future alley and driveway onto South Main St. (b) As shown on the Site Plan, the private driveway connects to the cross-access alley, which will ultimately connect to a public parking development on East 1st Street. The alley will not need to be dedicated; the cross-access easement and joint maintenance agreements will be sufficient to ensure adequate access to and from nearby properties and the right-of-way. **The standard is met with conditions.**

F. *Access Spacing. Access to and from off-street parking areas shall not permit backing onto a public street, with the exception of single-family driveway with access onto local streets only. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:*

Table 6: 3.2.2.F – General Driveway/Intersection Spacing Standards

Street Classification	Minimum Driveway Spacing	Minimum Driveway Separation from Public Street Intersection
Arterial Street	400	400
Collector Street	150	150
Local Street	N.A.	75
State Highway	Reference OAR 734-051-0115, Access Management Spacing Standards for Approaches	

1. *Minimum driveway spacing is measured from the edge of the driveway at the curb line to the edge of the next driveway at the curb line. Driveway separation from public street intersections is measured from the nearest edge of the driveway at the curb line to the intersecting street right-of-way.*
2. *If a development is unable to meet the access spacing standards in Subsection F, above, then the driveway must be as far from the other driveway or street intersection as possible. The Planning Commission shall require, at a minimum, that driveways be located outside the functional area of the intersection, even if such a distance would be greater than that set forth in the above table.*
3. *Arterial and Collector Streets. Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the above chart and the standards contained in the City’s Transportation System Plan. Access to Interstate 5 and Highway 99 shall be subject to the applicable standards and policies contained in the Oregon Highway Plan, Oregon’s Access Management Standards (Oregon Administrative Rule, OAR 734-051), and/or other applicable state access laws and regulations.*
4. *Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 – Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County, or ODOT to protect the function, safety, and operation of the street for all users. (See Section ‘H’, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property*

line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

FINDING: (F) The site is of sufficient size to provide a parking area with adequate drive and maneuvering space to allow for safe vehicle movements that do not require backing onto the public street. This section of Main Street is identified in the City Transportation System Plan as an Arterial Street. Table 3.2.2(F) Calls for 400 ft of separation between driveways on roads with this Classification. As proposed, the south driveway is only approximately 90 feet from the nearest driveway (Pucks). However, as provided in subsection (2), if a site is unable to meet the access spacing standards, the driveway must be as far from the other driveway as possible. The site has certain limitations on the fringe south property line that make re-locating a driveway there suboptimal, these include an existing utility pole, and storm drain. Staff finds the approximate location of the south driveway suitable to meet the intent of this spacing criteria. As a condition of approval, prior to issuance of building permits, the applicant shall submit a revised site plan, retaining the south driveway onto South Main Street, which shall be developed to a minimum width of 10' per lane, and connecting to the cross access alley. **The standard is met with conditions.**

G. *Number of Access points... The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety, and operation of the streets and sidewalks for all users. Shared access may be required, in conformance with Section H, below, in order to maintain the required access spacing, and minimize the number of access points.*

FINDING: Page 4 of the applicant narrative indicates that two (2) access points are proposed; one north of the building, and one south of the building. Contrarily, the proposed site plan shows a 6' cedar fence where one of the access points is proposed to be. As a condition of approval, prior to issuance of building permits, the applicant shall submit a revised site plan, retaining the south driveway onto South Main Street, which shall be developed to a minimum width of 10' per lane, and connecting to the cross access alley.

The driveway on Main Street and driveway on Main Street and alley will be facilitated through the use of a cross-access and maintenance easement that benefits Tax Lots 1800, 2400, 2500 and 2600. As a condition of approval, prior to the issuance of building permits, the applicant shall submit a copy of the recorded cross access and maintenance easement document that covers the future alley and driveway onto South Main St. **The standard is met with conditions.**

H. *Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:*

1. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is identified as redevelopable in the City's Buildable Land Inventory.*
2. *Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 4.3 – Land Divisions and Lot Line Adjustments) or as a condition of site development approval (Chapter 4.2 – Development Review and Site Design Review).*
3. *Exception. Shared driveways are not required to be stubbed when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.*

FINDING: A shared driveway with the undeveloped property to the southeast is required to protect the function, safety and operation of the streets and sidewalks for all users. In addition to these benefits, a shared driveway agreement also reduces the associated burden on consumed land area, paving/marketing upkeep, and stormwater management. As a condition of approval, prior to the issuance of building permits, the applicant shall submit a copy of the recorded cross access and maintenance easement document that covers the future alley and driveway onto South Main St.

As a condition of approval, prior to issuance of certificate of occupancy, the alley shall be stubbed to the undeveloped parcel to the southeast. **The standard is met with conditions.**

- J. *Driveway Openings. Driveway openings shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:...*
- ...4. *Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.4 – Vehicle and Bicycle Parking.*
 - 5. *Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three feet in width, with a cross slope not exceeding two percent.*

FINDING: As addressed in separate findings herein above, the driveway must be relocated. However, staff finds it feasible for the applicant to provide a 10' - 24' wide driveway opening based upon the size and location of the proposed structure and available frontage. As a condition of approval, prior to issuance of certificate of occupancy, driveway aprons that conform with ADA standards for sidewalks and pathways shall be installed. **The standard is met with conditions.**

- K. *Fire Access and Parking Area Turn-arounds . Parking areas shall provide adequate aisles or turn-around areas for public safety, service, and delivery vehicles so that all vehicles may enter the street in a forward manner. (The City's Fire Chief may exempt turn-around requirements for fire trucks if compliance with the Fire Code is maintained.) For requirements related to cul-de-sacs, please refer to Chapter 3.5.2 – Transportation Standards, Section M.*

FINDING: Fire access cannot be verified until the driveway is relocated in accordance with separate findings herein above. As a condition of approval, prior to issuance of building permits, the applicant shall provide documentation from Fire District #5 indicating that fire access is sufficient. **The standard is met with conditions.**

- M. *Vision Clearances. The vision clearance setback shall be measured from curb line or where no curb line exists, from edge of pavement. No signs, structures, or vegetation in excess of three feet in height shall be placed in vision clearance areas, as shown below. The Planning Director may increase the minimum vision clearance area upon finding that more sight distance is required (i.e., due to Police Department requirements, traffic speeds, roadway alignment, topography, etc.).*

FINDING: This portion of Main Street is identified in the Transportation System Plan as being an Arterial Street. Per figure 3.2.2.M, Arterial Streets require a vision clearance area of 35'. Vision clearance cannot be verified until the driveway is relocated in accordance with separate findings herein above. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised site plan demonstrating that the driveway 35' vision clearance areas are in place. **The standard is met with conditions.**

N. *Construction. The following development and maintenance standards shall apply to all driveways and private streets:*

1. *Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt or concrete surfacing. Paving surfaces shall be subject to review and approval by the Building Official.*

FINDING: As proposed, all driveways and parking areas will be surfaced with asphalt or concrete. **The standard is met.**

3.2.3 - Pedestrian Access and Circulation

A. *Pedestrian Access and Circulation.*

1. *Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathways to adjacent streets and private property, in accordance with the provisions of Chapter 3.2.2 – Vehicular Access and Circulation and Chapter 3.5.2 – Transportation Standards.*
2. *Safe, Direct, and Convenient Pathways.*
 - a. *Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of direction travel for likely users.*
 - b. *Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*
 - c. *For commercial, industrial, mixed use, public, and institutional buildings, the primary entrance is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance...*
3. *Connections within Development. For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.*
4. *Pathways shall have adequate lighting for safety purposes. The City may require lighting as a condition of development review.*
5. *Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds 400 feet in the City Center District, 600 feet in the Residential Districts, or 800 feet in the Industrial Districts. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:*
 - a. *Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide (with 12 feet recommended in areas with high mixed-use) with a 3 foot (2 foot minimum) shy distance on both sides of the path for safe operation. This area should be graded level, flush to the path and free of obstructions to allow recovery by errant bicyclists. Where a path is parallel and adjacent to a roadway, there shall be a 5 foot or greater width separating the path from the edge of roadway, or a physical barrier of sufficient height should be installed. Pathways should be located within a right-of-way or easement that allows access for emergency vehicles*
 - b. *If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;*
 - c. *Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;*
 - d. *The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;*

FINDING: (1,3) Although there is a pathway shown on the Site Plan (adjacent to the building), it is proposed to be 3' in width, where it needs to be 6' and it does not connect the development area with 'future phases of development' located on the rear half of the property. (2) Staff finds that a reasonably direct, safe and convenient pathway that connects to the primary building entrance/main public entrance is feasible. As a condition of approval, prior to the issuance of building permits, the applicant shall provide a revised site plan that identifies a reasonably direct, safe and convenient 6' wide (or greater) pathway that connects the main entrance to the street, to open space, and connects with / stubs to the alley. A crosswalk may be painted within the alley at a future phase of development. (4) The applicant's narrative acknowledges that outdoor lighting must comply with Chapter 3.12. However, the site plan does not include details on pathway/outdoor lighting. Pathway illumination will help keep the area safe and may help deter trespassing, loitering and other crime. As a condition of approval, prior to the issuance of building permits, the applicant shall submit a lighting plan, illumination will be provided on pathways for safety purposes. (5) Staff finds a single pathway on the development site running parallel to East 1st Street will be sufficient to prevent block lengths in excess of 400 feet. **The standards are met with conditions.**

B. Design and Construction. Pathways shall conform to all of the standards in 1-5:

- 1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.*
- 2. Crosswalks. Where pathways cross a parking area, driveway, or street, they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or a similar type of durable application. Crosswalks on state highway facilities shall be developed in coordination with the Oregon Department of Transportation (ODOT), shall be designed to state standards, and may require an Intergovernmental Agreement (IGA) to address maintenance responsibilities.*
- 3. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six feet wide, and shall conform to ADA requirements. Multi-use paths shall be the same materials, at least 10 feet wide. (See also Chapter 3.5.2 – Transportation Standards for public, multi-use pathway standard.)*
- 4. Accessible routes. Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.*

FINDING: (1) The applicant indicates that pathways that are adjacent to a driveway or roadway will be raised six inches and curbed with ramps at ends. As a condition of approval, prior to issuance of certificate of occupancy, the pathway shall be installed with elevation or separation in compliance with PLDC § 3.2.3(B)(1). (2) Crosswalk markings will be addressed when the northeast half of the property is developed. (3) The site plan proposes a pathway width of 3'; a minimum pathway width of 6' is required. As a condition of approval, prior to the issuance of building permits, the applicant shall provide a revised site plan that identifies a reasonably direct, safe and convenient 6' wide (or greater) pathway that connects the main entrance to the street, to open space, and connects with / stubs to the alley. A crosswalk may be painted within the alley at a future phase of development. As a condition of approval, prior to issuance of certificate of occupancy, the pathway shall be installed according to the revised site plan and surfaced in accordance with PLDC § 3.2.3(B)(3). (4) Staff finds it feasible for the applicant to provide pathways that are compliance with the Americans with Disabilities Act. As a condition of approval, prior to issuance of building permits, the pathways must be reviewed and approved by the City Building Official to verify compliance with the Americans with Disabilities Act. **The standards are met with conditions.**

3.3.3 - New Landscaping

- A. *Applicability. This Section shall apply to all developments requiring Site Design Review, and other developments with required landscaping.*
- B. *Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in 4.2.5 – Site Design Review Application Submission Requirements, Section B.5 (Landscape Plans). All landscape and irrigation plans must be reviewed and approved by the Planning Director, unless the conditions of the project specifically require Planning Commission approval.*
- C. *Landscape Area Standards. The minimum percentage of required landscaping equals: 1. Residential Districts. 20 percent of the site. 2. City Center District. 10 percent of the site. 3. Commercial Districts. A minimum of 20 percent of the site shall be landscaped. 4. Industrial Districts. 20 percent of the site.*
- D. *Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:*
 - 1. *Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.*
 - 2. *Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.*
 - 3. *Non-native, invasive plants, as per Chapter 3.3.2 – Landscape Conservation, Section B, shall be prohibited.*
 - 4. *Hardscape features, such as patios, decks, plazas, etc., may cover up to 20 percent of the required landscape area; except in the City Center District where hardscape features may cover up to 50 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.*
 - 5. *Non-plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 20 percent of the area to be landscaped. Coverage is measured based on the size of plants at maturity or after two years of growth, whichever comes sooner.*
 - 6. *Tree Size. Trees shall have a minimum caliper size of 1.5 inches at DBH or greater, or be six feet or taller, at time of planting.*
 - 7. *Shrub Size. Shrubs shall be planted from 5-gallon containers or larger.*
 - 8. *Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 75 percent of the underlying soil within three years.*
 - 9. *Significant Vegetation. Significant vegetation preserved in accordance with Chapter 3.3.2 – Landscape Conservation may be credited toward meeting the minimum landscape-area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Chapter 3.3.4 – Street Trees may be waived when trees preserved within the front yard provide the same or better shading and visual quality as street trees would otherwise provide.*
 - 10. *Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.*

FINDING: (A) The application is for a Site Design Review, therefore this section is applicable. (B & C) Several elements of a Landscape Plan have been provided on the Site Plan, However, some items required by this section and § 4.2.5(A)(5) are missing. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised landscape plan that includes all required information in Chapter 3.3.3 (D)(1-10) and Chapter 4.2.5(B)(5), including the square footage of proposed landscaping. (D) Details have not been provided on the size of ground cover, shrubs and trees. There is no “significant vegetation” requiring protection within the development area. As a condition of approval, prior to the issuance of certificate of occupancy, landscaping will be inspected to verify minimum tree size of 1.5 inches at DBH or greater; shrubs 5 gallon or greater; and ground cover sized and spaced to cover a minimum of 75% of the underlying soil within three years. **The standard is met with conditions.**

E. *Landscape Design Standards.*

All yards, parking lots, and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space, shading, and wind buffering, based on the following standards:

1. *Yard Setback Landscaping. Landscaping shall satisfy the following criteria:*
 - a. *Use shrubs and trees as windbreaks, as appropriate;*
 - b. *Retain natural vegetation, as practicable;*
 - c. *Define pedestrian pathways and open space areas with landscape materials;*
 - d. *Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;*
 - e. *Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;*
 - f. *Use a combination of plants for yearlong color and interest;*
 - g. *Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.*
 - h. *If the applicant is able to prove that the view shed is impaired, the shrubs may be used instead of trees.*
2. *Parking areas. A minimum of eight percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of eight feet by 19 feet and all tree wells shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth. Trees planted within parking areas shall be a minimum of 2-inch caliper trees, unless the landscape plan includes a dense planting of varying sized trees.*

FINDING: (1) the proposed Site Plan does not address landscape screening for outdoor storage areas, mechanical equipment areas and graded areas. However, Staff finds it feasible for the application to meet the criteria of this section with conditions of approval outlined in this Staff Report. (2) As indicated in Chapter 3.2 findings herein above, the parking areas will need to be slightly reconfigured. However, staff finds it feasible that a minimum of 8% of the perimeter of parking spaces and maneuvering areas can be landscaped. As a condition of approval, prior to issuance of building permits, the applicant shall provide a revised landscape plan that includes details on landscaping in yard setbacks and parking areas consistent with § 3.3.3 (E)(1) and (2). **The standard is met with conditions.**

3. *Buffering and Screening Required. Buffering and screening are required under the following conditions:*
 - a. *Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than eight feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.*
 - b. *Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts.*

FINDING: (a) Parking/maneuvering areas must be slightly reconfigured to assure compliance with 3.2.2(F) addressed in separate findings herein above. As a condition of approval, prior to the issuance of building permits, the applicant shall provide a revised site plan showing a raised pathway, plaza or landscaped buffer no less than eight feet in width for parking and maneuvering areas adjacent to buildings. (b) The proposed site plan does not identify the location of any mechanical equipment onsite or the required buffering. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. As a condition of approval, prior to the issuance of building permits, the applicant shall provide a revised site plan that identifies the location of all mechanical equipment and the design of the required mechanical equipment buffering. **The standard is met with conditions.**

3.3.4 – Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Chapter 3.5.2 – Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks.

- A. *Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:*
1. *Provide a broad canopy where shade is desired.*
 2. *A minimum of two tree species is required to prevent total loss of tree cover in case of disease.*
 2. *Use low-growing trees for spaces under utility wires.*
 3. *Select trees that can be limbed-up where vision clearance is a concern.*
 4. *Use narrow or columnar trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.*
 5. *Use species with similar growth characteristics on the same block for design continuity.*
 6. *Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.*
 7. *Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
 8. *Use deciduous trees for summer shade and winter sun.*
- B. *Caliper Size. The minimum caliper size at planting shall be 1.5 inches at DBH, based on the American Association of Nurserymen Standards.*
- C. *Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of trees selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.*
- D. *Soil Preparation, Planting, and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. Street trees shall be planted after the house is finished. The developer shall also be responsible for street tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting. The lot or parcel landscaping shall be completed within six months of occupancy. If the lot or parcel is to be landscaped by the developer, the developer shall have the option of having an account for landscaping which would allow the home owner to decide on types of vegetation.*
- E. *Assurances. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Planner, to ensure the planting of the trees and care during the first two years after planting.*

FINDING: The application is for a Site Plan, therefore, street trees are required. (A) Street Tree species and details on Growth Characteristics have not been identified on the Site Plan. (B) Street Tree Caliper size has not been identified in the application. (C) The proposed site plan shows approximately 114' of frontage on Main St, and two (2) trees. Because the drive aisle being paved creates a physical barrier,

the applicant will not need to provide street trees in this ~20' area; this means that Street Trees will only be required along 94' of frontage. Therefore, no fewer than four (4) street trees will be required. (D) Details on soil preparation, planting and care have not been provided in the application, however, the applicant has acknowledged the Street Tree requirements of A-D in their narrative. As a condition of approval, prior to the issuance of building permits, the applicant shall provide a revised Landscape Plan that shows four (4) or more Street Trees with a DBH of 1.5" or greater that have growth characteristics conducive to a right-of-way. Street Trees may either be planted in new tree wells in the sidewalk, or on the subject property as close to the sidewalk as practicable. As a condition of approval, prior to certificate of occupancy, Street Trees will be installed in accordance with the approved Landscape Plan, or bonded for in accordance with § 3.3.4(E). As an ongoing condition of approval, for a period of two (2) years following initial planting, the applicant shall be responsible for planting the street trees, including soil preparation, ground cover material, staking, irrigation, pruning, fertilization and replacement as necessary. **The standard is met with conditions.**

3.3.5 – Fences and Walls

B. Dimensions

...5. *In zones with no front yard setback requirement, fencing along a street frontage and within 20 feet of a sidewalk or other pedestrian accessway shall not exceed three feet in height.*

FINDING: The site plan shows a 6-foot cedar fence near the west property corner. Design details are not provided and fence height exceeds the maximum allowed along a street. As a condition of approval, prior to the issuance of building permits, the applicant shall submit a revised site plan, showing the 6' fence redrawn no closer than 20' from the front property line or reduced in height to 3'; fence design will remain consistent throughout the site. **The standard is met with conditions.**

Chapter 3.4 – Vehicle and Bicycle Parking

3.4.3 – Vehicle Parking Standards

- A. *Number of Spaces Required. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 3.4.3.A.*
- B. *Parking Location and Shared Parking.*
 - 1. *Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages or carports (no temporary or tarp carports are allowed), or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also, Chapter 3.2 – Access and Circulation).*
- C. *Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 5%.*
- D. *Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the dimensions in Figure 3.4.3.E.*
- E. *Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act. Disabled parking is included in the minimum number of required parking spaces in Section A, above.*

FINDING: (A) Per recent changes to state law (OAR 660-012-0440), the City is no longer permitted to require parking within one-half mile of 'frequent transit corridors.' Therefore, this subsection is not enforceable. (B) Parking/maneuvering areas must be reconfigured to assure compliance with 3.2.2(F) addressed in separate findings herein above. However, staff finds it feasible that off-street parking can be developed in conformance with the PLDC. (C & E) The proposed use most closely falls within a 'business, general retail, personal service use,' which calls for one space per 350 square feet of gross floor area. The proposed structure measures 2,400 square feet of gross floor area. Therefore, the maximum parking spaces, including ADA parking spaces, would be seven (7). As a condition of approval,

prior to issuance of building permits, the applicant shall provide a revised site plan that includes no more than seven (7) parking spaces, including ADA parking spaces. (D) The applicant narrative indicates parking stalls will meet standards for surfacing, stormwater management and striping. As a condition of approval, prior to certificate of occupancy, drive aisles and parking areas will be inspected to ensure they meet standards for surfacing, stormwater management and striping. **The standard is met with conditions.**

3.4.4 – Bicycle Parking Requirements

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

A. General Bicycle Parking Requirement. Bicycle parking shall be provided for all new multiple family residential developments (4 units or more), commercial, industrial and institutional uses, in the following manner:

...5. The following uses are exempted from the bicycle parking requirements:

a. Seasonal uses, such as fireworks stands and Christmas tree sales;...

FINDING: Guided Rafting Trips are a seasonal use and will therefore be exempt from Bicycle Parking requirements. **The standard is not applicable.**

Chapter 3.5 – Street and Public Facilities Standards

3.5.2 – Transportation Standards

A. No Development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.2 – Access and Circulation, and the following standards are met:

- 1. Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter.*
- 2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;*
- 3. New streets, alleys and drives connected to a collector or arterial street shall be paved;...*

FINDING: (1 & 2) The site has been improved with paved street, curb, gutter and sidewalks along the frontage (South Main Street), but the driveway apron location will need to be changed in order to satisfy section 3.2.2(f) as discussed in separate findings herein above; the required cross-access alley in the rear must also be improved and is addressed in separate findings herein below. As a condition of approval, prior to issuance of building permits, the applicant shall provide Community & Economic Development with an encroachment permit detailing and approving the driveway apron changes onto South Main Street. (3) The cross access alley will ultimately connect with East First St, a collector-grade street, therefore, it must be paved. As a condition of approval, prior to issuance of certificate of occupancy, the portion of the cross access alley within the subject property shall be paved. **The standards are met with conditions.**

- 4. The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.*
- 5. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*

- a. *A change in zoning or a plan amendment designation;*
- b. *The road authority indicates in writing that the proposal may have operational or safety concerns along its facility(ies);*
- c. *An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more;*
- d. *An increase in peak hour volume of a particular movement to and from a street or highway by 10 percent or more; or*
- e. *An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;*
- f. *The location of an existing or proposed approach or access connection does not meet minimum spacing or sight distance requirements or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;*
- g. *A change in internal traffic patterns may cause safety concerns; or*
- h. *A TIA is required by ODOT pursuant with OAR 734-051.*

FINDING: (4) The City is the roadway authority along this section of South Main Street, accordingly, this application has been noticed to the Public Works Department and the City Engineer. No comments were received. (5)(a) A change in zoning or plan amendment is not proposed. (b) Public Works has not indicated that the proposal may have operational or safety concerns along its facilities (c & d) The proposed commercial building will facilitate off-site Guided Rafting Trips, which in the Institute of Transportation Engineers (ITE) Manual Volume 11 most closely resembles a 'Single Tenant Office Building,' which considers average daily trips by square feet of gross floor area. The structure is proposed to be 2,400 square feet; average daily trips = 23.15. (e) The applicant has not proposed an increase in use of adjacent streets by vehicles exceeding 20,000 pounds gross vehicle weight. (f) Access will meet the spacing standards of 3.2.2(f), vision clearance standards of 3.2.2(m) and there are no identified safety hazards. (g) A marked improvement to internal traffic patterns is anticipated as a result of the required cross access alley and shared driveway. (h) The subject property does not abut ODOT right-of-way. Because none of the above thresholds were reached, a Traffic Impact Analysis is not required. **The standard is met.**

Chapter 3.6 – Signs

3.6.3 - Applicability and Exemptions

Sign Permit Required. All signs visible from the public right-of-way or private areas accessible to the public within the City of Phoenix shall be subject to the provisions of this Chapter.

FINDING: The applicant's proposal includes conceptual signage. Sign permits are reviewed independently of site design plan review and require a Type 1 Ministerial Review. No sign permit application was submitted with the requested site design plan review. **The standard is not applicable.**

Chapter 3.8 – Storm and Surface Water Management Standards

3.8.1 – Purpose and Applicability

B. Applicability. No permit for construction of new development or tenant improvements that result in impervious cover greater than 500 square feet within the city and urban growth boundary shall be issued until effects on stormwater management are evaluated. The level of review varies according to the affected area...

FINDING: The proposal is to redevelop a commercial site to serve as a gathering place for patrons to make arrangements for rafting trips, stage equipment and obtain supplies. Before the Alameda Drive Fire of 2020, this property was developed with a tavern and four apartment units. According to the Project Engineer memo within the application, the impervious surface area of that development equaled 12,489 square feet; the redevelopment will have an impervious surface area of 9,761 square feet. This application results in a reduction in impervious surface area of approximately 2,728 square feet. Staff agrees with this assessment.

Rogue Valley Sewer Service (RVSS) is the MS4 Phase II Permit holder for the City of Phoenix. According to RVSS, compliance with the Rogue Valley Stormwater Quality Design Manual will not be required for the project. **The standard is not applicable.**

Chapter 3.9 – Erosion Prevention and Sediment Control

3.9.1 – Applicability and Purpose

- B. Applicability. An erosion prevention and sediment control plan shall be required and approved by the city engineer under any of the following circumstances:*
- 2. Prior to Site Design Review, in accordance with Chapter 4.2 – Development Review and Site Design Review.*
 - 3. Prior to approval of any building or grading permit that results in: a. Disturbance of 500 square feet or more of land surface.*
- Nothing in this Section shall relieve any person from the obligation to comply with the regulations or permits of any federal, state, or local authority.*

FINDING: The proposed development includes the disturbance of more than 500 square feet of land surface and requires Site Design Review in accordance with Chapter 4.2. As the Phase II Permit holder for the City of Phoenix, processing of erosion control permits for properties over 7,000 square feet, but under 1 acre in size shall be administered and approved by Rogue Valley Sewer Services prior to onsite construction or the disturbance of any land surface. Approval of the required medium storm drain protection permit meets the standards of this section. **As a condition of approval, prior to construction, the applicant shall provide a copy of the approved medium storm drain protection (erosion control) permit approved by Rogue Valley Sewer Services. The standard is met with conditions.**

Chapter 3.12 – Outdoor Lighting

3.12.6 – Standards for Non-Residential Lighting

- A. Prescriptive Method. An outdoor lighting installation complies with this section if it meets the requirements of subsections 1, 2, and 3 below.*
- 1. Total Site Lumen Limit.*
 - 2. Limits of offsite impacts.*
 - 3. Full or 100% cutoff lighting.*
- B. Performance Method I. An outdoor lighting installation complies with this section if it meets the requirements of subsections 1 and 2 below.*
- 1. Total Site Lumen Limit.*
 - 2. Limits of offsite impacts.*

FINDING: The applicant's narrative acknowledges that all outdoor lighting must comply with this Chapter. (4) The applicant's narrative acknowledges that outdoor lighting must comply with Chapter 3.12. However, the site plan does not include details on pathway/outdoor lighting. Pathway illumination will help keep the area safe and may help deter trespassing, loitering and other crime. **As a condition of approval, prior to issuance of building permits, the applicant shall provide a lighting plan, the plan will identify all proposed lighting and lighting specifications for all proposed lighting types using either the prescriptive or performance method in accordance with Chapter 3.12.6 of the Phoenix Land Development. The standard is met with conditions.**

CHAPTER 4 – APPLICATIONS AND REVIEW PROCEDURES

Chapter 4.2 – Development Review and Site Design Review

4.2.5 – Site Design Review Application Submission Requirements

- A. All of the following information is required for Site Design Review application submittal:*
- 2. Proposed site plan. The site plan shall contain the following information, if applicable:*
 - a. North arrow and scale*
 - b. The proposed development site, including boundaries, dimensions, and gross area;*

- c. *The name and address of project designer, engineer, surveyor, and/or planner, if applicable.*
- d. *The location, size, and species of trees having a 2" diameter that are proposed to be removed or modified by the development;*
- e. *The location and dimensions of all proposed public and private streets, drives, rights of-way, and easements;*
- f. *The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;*
- g. *The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;*
- h. *The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);*
- i. *Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;*
- j. *Loading and service areas for waste disposal, loading, and delivery;*
- k. *Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;*
- l. *Location, type, and height of outdoor lighting;*
- m. *Location of mail boxes, if known;*
- n. *Location of bus stops and other public or private transportation facilities.*

FINDING: The proposed site plan provides a substantial amount of the required information listed above. (b, e, f, g, h, i) The parking, access/drive aisles must be reconfigured to satisfy § 3.2.2 and have been addressed in separate findings herein above. (j) There are no standards or criteria for loading of vehicles in the C-C zone and landscaping code. (k) The open space areas must be reconfigured to satisfy § 2.2.5 and has been addressed in separate findings herein above. (l) Outdoor lighting must be addressed to satisfy § 3.12.6 and has been addressed in separate findings herein above.

The applicant's proposal meets or can meet with conditions of approval the provisions of § 4.2.5. **The standard is met with conditions.**

4.2.6 – Site Design Approval Criteria

The Planning Director shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

- A. *The application is complete, as determined in accordance with Chapter 4.1 – Types of Applications and Review Procedures and Chapter 4.2.5 – Site Design Review Application Submission Requirements, above.*

FINDING: The applicant's proposal was deemed complete on July 7, 2023. **The standard is met.**

- B. *The application complies with the all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;*

FINDING: The applicant's proposal meets or can meet with conditions of approval the provisions of the underlying Land Use District (Chapter 2). **The standard is met with conditions.**

- C. *The applicant shall be required to upgrade any existing development that does not comply with the applicable land-use district standards, in conformance with Chapter 5.3 – Non-Conforming Uses and Developments;*

FINDING: The applicant's proposal is located on vacant land. Chapter 5.3 – Non-Conforming Uses and Developments does not apply to this property. All proposed development meets the current zoning code regulations or can meet with conditions of approval. **The standard is met.**

- D. *The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met:*
- *Chapter 3.2 – Access and Circulation ▪ Chapter 3.3 – Landscaping, Street Trees, Fences, and Walls*
 - *Chapter 3.4 – Vehicle and Bicycle Parking*
 - *Chapter 3.5 – Street and Public Facilities Standards*
 - *Chapter 3.6 – Signs*
 - *Chapter 3.7 – Environmental Constraints*
 - *Chapter 3.8 – Storm and Surface Water Management Standards*
 - *Chapter 3.9 – Erosion Prevention and Sediment Control*
 - *Chapter 3.10 – Other Design Standards*

FINDING: The applicant's proposal meets or can meet with conditions of approval the provisions of the Design Standards contained in Chapter 3. **The standard is met with conditions.**

VI CONCLUSION/DECISION

As proposed, the site development plan meets or can meet with conditions, the applicable standards set forth in the Phoenix Land Development Code and as enumerated in this staff report. The request is **APPROVED** subject to the conditions of approval below.

VII CONDITIONS OF APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMITS

1. Revised Site Plan: The applicant shall provide a revised site plan
 - Relocating the waste enclosure out of the alley
 - Showing the area reserved for common open space with dimensions that meet PLDC § 2.3.5(C) and provides a detailed drawing that includes at least 2 improvements consistent with PLDC § 2.3.5(D).
 - Showing the 6' fence redrawn no closer than 20' from the front property line or reduced in height to 3'; fence design will remain consistent throughout the site
 - Retaining the south driveway onto South Main Street, which shall be developed to a minimum width of 10' per lane, and connecting to the cross access alley
 - Demonstrating that the driveway 35' vision clearance areas are in place
 - Identifies a reasonably direct, safe and convenient pathway that connects the main entrance to the street, to open space, and connects with / stubs to the alley. A crosswalk may be painted within the alley at a future phase of development.
 - Showing pathways with a minimum width of 6'.
 - Showing a raised pathway, plaza or landscaped buffer no less than eight feet in width for parking and maneuvering areas adjacent to buildings.
 - That includes no more than seven (7) parking spaces, including ADA parking spaces.
2. Cross-access and Maintenance Easement: The applicant shall submit a copy of the recorded cross access and maintenance easement document that covers the future alley and driveway onto South Main St.
3. Building Height: planning staff will verify the building is no more than three stories or 35 feet in height, whichever is greater
4. Fire Access: the applicant shall provide documentation from Fire District #5 indicating that fire access is sufficient.
5. Pathways, ADA Compliant: the pathways must be reviewed and approved by the City Building Official to verify compliance with the Americans with Disabilities Act.
6. Revised Landscape Plan: The applicant shall provide a revised landscape plan that

- Includes all required information in Chapter 3.3.3 (D)(1-10) and Chapter 4.2.5(B)(5), including the square footage of proposed landscaping.
 - Includes details on landscaping in yard setbacks and parking areas consistent with § 3.3.3 (E)(1) and (2)
 - Shows four (4) or more Street Trees with a DBH of 1.5” or greater that have growth characteristics conducive to a right-of-way. Street Trees may either be planted in new tree wells in the sidewalk, or on the subject property as close to the sidewalk as practicable.
7. Encroachment Permit: The applicant shall provide Community & Economic Development with an encroachment permit detailing and approving the driveway apron changes onto South Main Street.
8. Lighting Plan: The applicant shall provide a lighting plan, the plan will
- Illumination will be provided on pathways for safety purposes.
 - Identify all proposed lighting and lighting specifications for all proposed lighting types using either the prescriptive or performance method in accordance with Chapter 3.12.6 of the Phoenix Land Development.

PRIOR TO CONSTRUCTION

9. Erosion Control Permit: the applicant shall provide a copy of the approved medium storm drain protection (erosion control) permit approved by Rogue Valley Sewer Services.

PRIOR TO CERTIFICATE OF OCCUPANCY

10. Common Open Space: The common open space must be built and landscaped in accordance with the revised site plan
11. Alley, Stubbed: the alley shall be stubbed to the undeveloped parcel to the southeast
12. Driveway Aprons, ADA Compliant: driveway aprons that conform with ADA standards for sidewalks and pathways shall be installed
13. Pathway Elevation or Separation: the pathway shall be installed with elevation or separation in compliance with PLDC § 3.2.3(B)(1)
14. Pathway Installation and Surfacing: the pathway shall be installed according to the revised site plan and surfaced in accordance with PLDC § 3.2.3(B)(3)
15. Landscaping Installation: landscaping will be inspected to verify minimum tree size of 1.5 inches at DBH or greater; shrubs 5 gallon or greater; and ground cover sized and spaced to cover a minimum of 75% of the underlying soil within three years.
16. Street Trees: Street Trees will be installed in accordance with the approved Landscape Plan, or bonded for in accordance with § 3.3.4(E).
17. Parking Area Improvements: drive aisles and parking areas will be inspected to ensure they meet standards for surfacing, stormwater management and striping.
18. Alley, Paved: the portion of the cross-access alley within the subject property shall be paved.

ONGOING CONDITIONS OF APPROVAL

19. Street Tree Care and Maintenance: for a period of two (2) years following initial planting, the applicant shall be responsible for planting the street trees, including soil preparation, ground cover material, staking, irrigation, pruning, fertilization and replacement as necessary.

COMMUNITY AND ECONOMIC DEVELOPMENT



By: Jeff Wilcox
Associate Planner

Date: September 8, 2023